

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOHN M. HUMMASTI,

06-CV-1710-BR

Plaintiff,

OPINION AND ORDER

v.

ASAD ABDIRIZAK ALI; EMAL
WAHAB; RANDY BLAZAK;
K. MCGHEE, PSU Financial Aid
Director; OFFICER PAHLKE;
OFFICER MICHAELSON; OFFICER
K. GOODNER; OFFICER RAY;
OFFICER WESSON; QURAN
FOUNDATION; ISLAMIC CENTER OF
PORTLAND; BILAL MASJID;
MASJID AL SABR; MUSLIM
COMMUNITY CENTER OF PORTLAND;
AL HARAMAIN ISLAMIC
FOUNDATION,

Defendants.

JOHN HUMMASTI

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Plaintiff, *Pro Se*

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Wesson

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Center of Portland

BROWN, Judge.

On December 6, 2007, Plaintiff filed a Motion for Witness Security Protection (#77) in which he requests the Court for an Order allowing Plaintiff to be examined by the United States Attorney's Office for suitability to enter the Federal Witness Protection Program.

Although the Court could not find a Ninth Circuit case that addresses the question of the Court's authority with respect to the Witness Protection Program, the Eighth Circuit has held whether a witness will be protected under the Witness Protection Program is entirely within the Attorney General's discretion. *Abbott v. Petrovsky*, 717 F.2d 1191, 1193 (8th Cir. 1983). The Fifth Circuit has also noted "[o]ne cannot receive protection simply on demand." *Garcia v. United States*, 666 F.2d 960, 962 (5th Cir. 1982). The Court finds the reasoning of these circuits is persuasive. Moreover, the Court notes the Witness Relocation and Protection Act, 18 U.S.C. § 3521, is couched entirely in terms of the Attorney General having the authority and discretion to decide whether to place an individual in the Witness

Protection Program or to remove an individual from the Program. For example, § 3521(a)(1) provides: "The Attorney General may provide for the relocation and other protection of a witness or a potential witness . . . if the Attorney General determines [certain factors exist]."

The Court, therefore, concludes it does not have the authority either to place Plaintiff in the Witness Protection Program or to direct the Attorney General to consider placing Plaintiff in the Program.

Accordingly, the Court **DENIES** Plaintiff's Motion for Witness Security Protection (#77).

IT IS SO ORDERED.

DATED this 9th day of January, 2008.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge